IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Misc. No. 66429-M of 2006

DATE OF DECISION : 02.03.2007

Manpreet Kaur Dhaliwal

.... PETITIONER

Versus

State of Punjab

..... RESPONDENT

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. C.L. Verma, Advocate,
for the petitioner.

Mr. N.S. Gill, AAG, Punjab.

This is second petition filed by Manpreet Kaur Dhaliwal (real mother of deceased Gurvinder Kaur alias Pinki) under Section 439 of the Code of Criminal Procedure for the grant of regular bail in case FIR No. 240 dated 31.7.2004 under Sections 302/34/120-B IPC, registered at Police Station Jagraon, District Ludhiana. Her earlier petition was dismissed as withdrawn by this court on July 10, 2006 with liberty to apply for bail again after examination of some of the material witnesses.

2. Now the petitioner is praying for regular bail on the plea that the material witnesses of the prosecution are not fully supporting the prosecution case, as far as petitioner is concerned.

3. In this case, initially, the aforesaid FIR was registered on the complaint made by the petitioner herself, in which she alleged that her daughter Gurvinder Kaur alias Pinki was murdered by step sons of the petitioner, but during investigation, the police came to the conclusion that the murder was committed by Iqbal Singh and Jatinder Singh co-accused in connivance with the petitioner, as the petitioner was having illicit relations with Iqbal Singh co-accused.

4. Counsel for the petitioner contends that the said conclusion was arrived at on the basis of statement of Harjit Singh, before whom extra judicial confession was made by Iqbal Singh and Jatinder Singh, and on the basis of statement of Dhian Singh, who over-heard all the three accused, saying that they should finish the deceased. Counsel contends that the aforesaid both the witnesses have been examined. He further contends that Harjit Singh has not stated in his statement that the murder was committed by the aforesaid two accused on the asking of the petitioner. Similarly, Dhian Singh, in his examination-in-chief, has not named the petitioner to the effect that he heard the petitioner saying that the deceased be finished by them (Iqbal Singh and Jatinder Singh). Counsel submits that the petitioner, who is 50 years old, is in custody since 22.7.2005. He further submits that out of 18 prosecution witnesses, only 3 have been examined and trial is not likely to conclude soon.

5. Counsel for the respondent-State has not disputed the aforesaid factual position.

6. In view of the above, without expressing any opinion on the merits of the case, I deem it appropriate to grant regular bail to the petitioner and she is, accordingly, ordered to be released on bail subject to her furnishing bail bonds to the satisfaction of the trial court.

March 02, 2007 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**